IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

PUBLIC INTEREST LITIGATION NO.22 OF 2006

Kishore Tiwari : Petitioner

V/s.

The State of Maharashtra & Ors. : Respondents

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Mr.I.M.Khairadi for the petitioner.

Mr.P.M.Patil, Assistant Government Pleader for respondent nos.1, 3 & 4.

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CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATE : SEPTEMBER 20, 2006.

P.C.

1. The petitioner has approached this Court alleging that there is rampant misuse of public properties and premises for displaying political banners, hoardings, cut-outs, etc., and non-implementation and non-enforcement of the provisions of the Prevention of Defacement of Properties Act, 1995, the Bombay Police Act, the Bombay Municipal Corporation Act and the Indian Penal Code. The petitioner has alleged that political leaders and their workers are parties to this misuse.

2. We find from the perusal of the Writ Petition that the

petitioner is a resident of the city of Nagpur. In that event, we find that the Writ Petition is not pro bono publico. More so, it amounts to multiplicity of proceedings inasmuch as in Writ Petition (PIL) No.2570 of 2003 (Janhit Manch & Ors. v. Brihanmumbai Municipal Corporation & Ors.), the Division Bench by its order dated 25.2.2004 has already directed that the Municipal Corporation of Greater Mumbai shall adhere to the provisions of the Bombay Municipal Corporation Act and other relevant provisions while granting permission for displaying of sky-signs and advertisements. In the said order, this Court also observed that such permission can only be granted for a particular period and, therefore, whenever such permission is granted, it must mention the period during which it remains operative.

3. It appears from the said order dated 25.2.2004 that norms have been fixed for the grant of permission to the banners pertaining to commercial purposes as well as for religious, cultural and educational purposes. Obviously, the said norms have to be observed while granting such permission for displaying the banners and the Corporation has to ensure that the licensee observes the conditions. Needless to say that in the event of breach of the provisions of the Defacement of Properties Act, 1995, the Corporation has to take suitable action against the

offenders. The advertisement and banners which are displayed without obtaining the requisite permission must be removed by the Municipal Corporation of Greater Mumbai and we direct that in such cases, the Corporation also initiates criminal action as provided under law.

4. Even during Ganesh utsav and Navratri utsav, the Corporation has to ensure that in the city of Mumbai, banners display in the Mandals is in accordance with the guidelines and no displaying of banners and advertisements in the Mandals during Ganesh utsav and Navratri utsav is done without obtaining the prior permission of the Corporation.

5. With the aforesaid observations, we dispose of the Public Interest Litigation.

R.M. LODHA, J.

S.A. BOBDE, J.